IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CIVIL JURISDICTION

LETTERS PATENT APPEAL NO.11 OF 1997
IN
WRIT PETITION NO.5968 OF 1987

M/s.Garware Nylon Limited.,)
Chander Muki, 2nd & 3rd Floor, Nariman)
Point, Mumbai-400 021.)..APPELLANT

Versus

1.Garware Employees Union, C/o.)
National Federation of Labour (NFL),)
13, Carol Mansion, ISRE Complex,)
35, Sitladevi Temple Road, Mahim,)
Mumbai-400 018.)
2. Member, Industrial Court, Maharashtra)
Mumbai.)..RESPONDENTS

Ms.Mosam Modi with Ms. S.Kunekar i/b. M/s.Haresh Mehta & Co., for the Appellant
Mr. K.S. Bapat, for the Respondent No.1.

CORAM: F.I. REBELLO & ANOOP V.MOHTA, JJ.
DATE : 26th August, 2004

ORAL JUDGMENT (PER F.I. REBELLO, J.):

. As the appellant company is in liquidation notice was given to the Official Liquidator. The Official Liquidator is present. It is pointed out that the claim has already been adjudicated and the rights of the workers have been determined and a list has been filed before the Prothonotary & Senior Master. From the order of 21st January, 1997 we find that the petition at the time when the Appeal was admitted it was ordered that the matter be heard along with Writ Petition No.6312 of 1996. That order was passed considering the issue of law that was raised both in the said Writ Petition and the present Letters Patent Appeal.However, considering that the appellant company is under liquidation Writ Petition No.6312 of 1996 can be decided separately. Even otherwise there will

be no bar in a writ Court considering the proceedings under the M.R.T.U. & P.U.L.P. Act, even if the company was before the B.I.F.R.

2. From a perusal of the order of the learned single Judge we find that the complaint was only in respect of the dues which the workers were entitled to under a subsisting agreement and Payment of Bonus Act. As pointed out earlier considering that the company is in liquidation this will not be a fit case to interfere with the order of the learned Single Judge. Letters Patent Appeal rejected.

3. It is made clear that the dues of the workers would be paid in terms of the adjudication done by the Official Liquidator.

Letters Patent Appeal disposed of accordingly.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA, J)

To:

The Computer Incharge,(NIC) 7th Sept.,2004

High Corut, Bombay.

I have already uploaded the judgment in L.P.A.148 of 1998. However, there is some correction to be carried out, you are requested to delete the judgment from the Server. After carrying out the correction, I will again upload the judgment.

Yours faithfully,

(M.G. NAIR)

P.S. to Honourable Mr. Justice F.I.Rebello